

Judge Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

RODRIGO HERNANDEZ-SANCHEZ,

Defendant.

NO. CR 13-5566 RJB

ORDER GRANTING JOINT MOTION  
TO EXTEND TIME TO FILE  
INDICTMENT UNDER SPEEDY TRIAL  
ACT

Based on the parties Joint Motion To Extend Time To File Indictment Under Speedy Trial Act, the facts set forth in which are hereby incorporated by reference and adopted as findings of fact, the Court makes the following findings of fact and conclusions of law:

1. The defendant is charged by Information with Illegal Reentry After Deportation, in violation of Title 8, United States Code, Section 1326(a).

2. The defendant was arrested and made his Initial Appearance on September 26, 2013, at which time the defendant stipulated to detention. The Court ordered the defendant detained.

3. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a

1 summons in connection with such charges. 18 U.S.C. § 3161(b). Hence, at the present  
2 time, the United States must obtain an Indictment in this case on or before October 26,  
3 2013, to meet the requirements of the Speedy Trial Act.

4 4. The defendant is diligently conducting an investigation into the  
5 circumstances surrounding his situation at the time of his alleged offense. The defendant  
6 does not believe that this investigation and examination will be completed by the  
7 expiration of the time to obtain an Indictment. The defendant believes that the results of  
8 his investigation will be essential to preparing his defense, and may facilitate a resolution  
9 of this matter under the Government's fast track settlement policy for reentry offenses. If  
10 the defendant is indicted before a potential settlement is reached, however, he may lose  
11 his eligibility for the benefits of the fast track program.

12 5. The parties seek an Order extending the time within which an Indictment  
13 must be filed on the ground that the ends of justice served by taking such action outweigh  
14 the best interests of the public and the defendant in a speedy trial, as permitted by 18  
15 U.S.C. § 3161(h)(7)(A), (B)(i) and (B)(iv).

16 6. The defendant has executed a Waiver of Speedy Indictment waiving rights  
17 under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. § 3161-3174 in this  
18 regard, and has further agreed that the period from the date the Order extending the  
19 Indictment deadline is signed until December 15, 2013, shall be an excludable period of  
20 time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A).

21 7. This is the first requested extension of the Speedy Trial Act in this case.

22 8. For all the reasons set forth in the joint motion, the Court finds that the ends  
23 of justice are served by a continuance and outweigh the best interests of the public and  
24 the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161.

25 9. In light of the foregoing, IT IS HEREBY ORDERED that the time to file  
26 an Indictment in this matter be extended to December 15, 2013. The period of delay  
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1 resulting from this continuance from the date of this Order up to and including December  
2 15, 2013, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7).

3 DATED this 22<sup>nd</sup> day of October, 2013.

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8 ROBERT J. BRYAN  
9 United States District Judge

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12 Presented by:

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14 s/ Amy Jaquette  
15 AMY JAQUETTE  
16 Assistant United States Attorney

17 s/ Steven J. Krupa  
18 STEVEN J. KRUPA  
19 Counsel for Defendant  
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